

REMARKS

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-20 are now pending in this application.

The following is intended as a full and complete response to the Final Office Action dated June 25, 2009, having a shortened statutory period for response set to expire on September 25, 2009. Claims 1-20 were examined. The Examiner rejected claims 1-3 and 5-20 under 35 USC § 102(c) as being anticipated by Candalore (U.S. Patent No. 6,363,149). The Examiner rejected claim 4 under 35 USC § 103(a) as being obvious over Candalore in view of Thexton (U.S. Patent No. 6,772,435). Applicants respectfully request reconsideration and withdrawal of these rejections for the reasons discussed below.

§ 102/103 Rejection of the Claims

Applicants' claim 1 recites that "each of the entitlement control messages is linked to a respective time stamp, the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time stamp was distributed." Applicants' claim 1 further recites "sending an entitlement management message to the secure device, the entitlement management message including a specification of a range of time-stamp values and entitling the secure device to enable decryption of the units of information that are linked to time stamps with time-stamp values in that range." Candalore does not teach or suggest these limitations.

In response to Applicants' previously presented arguments concerning Candalore's failure to teach or suggest that each of ECMs is linked to a respective time stamp, the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time stamp was distributed, the Examiner draws attention to Candalore column 2, lines 24-28, stating that "Candalore generally attributes to his system a series of copy management commands that are well known in the art, including... those concerning specific periods of time, duration, or number of viewings." Even if such a characterization of Candalore is correct, Applicants struggle to see how it is relevant to the referenced limitation of claim 1. Applicants agree that limiting the reproduction of digital content to the number of copies that can be made, the specific period of time and the duration when the content may be viewed, and the number of times the

content may be viewed, as described in that part of Candelore, is well-known in the art. However, the Examiner has failed to show how this is relevant to the ECMs being linked to respective time stamps, the respective time stamp associated with a value indicative of a time at which the ECM linked to the time stamp was distributed.

The Examiner then proceeds to say on page 3, lines 1-3 of the current Office Action that “throughout his specification, Candelore provides for situations in which particular ECMs may be used by particular individuals during particular time periods.” Applicants note, however, that Candelore teaches that each one of the different ECMs is assigned to a particular time period during which the ECM may be used to decode encrypted content (see e.g. column 10, lines 16-21 and lines 43-67 of Candelore). In addition, Candelore also teaches that past keys may be calculated based upon knowledge of the time at which they were created and the knowledge of the current key (see e.g. column 9, lines 49-62 of Candelore). Applicants respectfully submit that such teachings of Candelore do not anticipate Applicant's limitations the “each of the entitlement control messages is linked to a respective time-stamp, the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time-stamp was distributed;” and Candelore does not “sending an entitlement management message to the secure device, the entitlement management message including a specification of a range of time-stamp values and entitling the secure device to enable decryption of the units of information that are linked to time-stamps with time stamp values in that range.”

Candelore describes two independent aspects of a system. One aspect attempts to solve the problem of not having the appropriate key for descrambling data when the only key provided by the service provider is the current key and the current key is not the same key used to scramble the data (see column 3, lines 1-9 of Candelore). To solve this problem, Candelore proposes creating a plurality of ECMs, each ECM containing an access key corresponding to a given time period (see column 10, line 43-67 of Candelore). In order to descramble content at a particular time, the system of Candelore determines within which time period this particular time (the current time) falls, determines the ECM having the key linked to this time period, and then uses the key contained in this ECM to descramble the content. For example, Candelore describes that the keys may be changed on a monthly basis. In this case, the system of Candelore would determine which of the ECMs includes the key linked to the current month and then use the key contained in this ECM to descramble the content during the current month.

Another aspect of the system described by Candelore attempts to solve a problem of increased storage requirements dictated by the need to store a large number of keys for different time periods (see column 9, lines 35-48 of Candelore). To solve this problem, Candelore proposes creating keys that are related to one another by a one-way function so that, based on the knowledge of a particular key and the knowledge of when this key was created, past keys may be derived (see column 9, lines 49-62 of Candelore). The Examiner seems to interpret column 9, lines 49-62 of Candelore to teach that, since the time at which a particular key was created is known (in order to be able to derive subsequent keys), the ECM containing this particular key must have a time stamp. The Examiner then seems to conclude that such a time stamped key is analogous to an ECM linked to a respective time stamp, where the respective time stamp is associated with a value indicative of a time at which the ECM was distributed, as recited in claim 1. While Applicants respectfully disagree with such a conclusion, even assuming *arguendo* that such a conclusion may be made, a time stamp of the ECM disclosed by Candelore would not be used by Candelore as required by further limitations of claim 1.

According to an embodiment of the present invention, the time stamp of the ECM is used in a following manner. First, it is determined whether the value of the time stamp is within a range of time-stamp values provided in an EMM. If it is, then the EMM entitles the secure device to enable decryption of units of information linked to that ECM. This is clearly recited in claim 1 by stating that a method including “entitling the secure device to enable decryption of the units of information that are linked to time-stamps with time stamp values in that range.”

In contrast, Candelore does not use the time stamps of the ECMs to determine whether the secure device is entitled to descramble the content. Rather, Candelore uses the time information of a particular ECM only for a purpose of determining keys contained in subsequent ECMs. While Candelore does disclose time ranges associated with different ECMs, these time ranges do not have anything to do with the time stamps of the ECMs. Rather, the time ranges are used for determining in which ECM the appropriate key is contained by determining within which time range the current time falls.

As the foregoing illustrates, the limitations of each of the ECMs being linked to a respective time stamp, where the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time stamp was distributed, and of sending an EMM to a secure device, where the EMM includes a

specification of a range of time-stamp values and entitles the secure device to enable decryption of units of information that are linked to time stamps with time-stamp values in that range are not taught in Candelore. For this reason, Applicant submits that claim 1 is in condition for allowance and requests that the 102 rejection be withdrawn.

Applicants further note that the Thexton reference fails to satisfy the limitations of Candelore in teaching or suggesting each and every limitation of the claims.

Independent claims 7, 9, 10, and 20 recite limitations similar to those of claim 1. Therefore, these claims are in condition for allowance for the same reasons. Claims 2-6, 8, and 11-19 are dependent from allowable claims 1, 7, and 10, and, therefore, are also in condition for allowance.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Final Office Action dated June 25, 2009, having a shortened statutory period for response set to expire on September 25, 2009, and respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th day of August, 2009.

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